

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**In re: Erie COVID-19 Business
Interruption Insurance Coverage
Litigation**

**Case No. 1:21-mc-00001-MRH
MDL No. 2969**

JOINT STATUS REPORT

Plaintiffs and Defendants, pursuant to this Court's Order of June 13, 2023 (ECF No. 300), hereby submit this Joint Status Report.

In a previous Order (ECF No. 290), the Court stayed all further proceedings in this matter pending a decision by the Third Circuit on this issue of coverage for pandemic-related losses. The Third Circuit issued such a decision on January 26, 2023, ruling in favor of the insurers. *See Rhonda H. Wilson, et al. v. USI Insurance Service LLC, et al.*, 57 F.4th 131 (3d Cir. Jan. 6, 2023). On January 20, 2023, Plaintiffs filed a Petition for Rehearing *En Banc* of that decision. As of the date of the filing of this Joint Status Report, the Petition for Rehearing remains pending.

Similarly, on November 30, 2022, the Pennsylvania Superior Court issued an *en banc* decision in *MacMiles, LLC v. Erie Ins. Exch.*, 286 A.3d 331 (Pa. Super. 2022), holding that there is no coverage under Erie's policy for pandemic-related losses. On December 20, 2022, Plaintiffs in that action filed a Petition for Allowance of Appeal to the Pennsylvania Supreme Court. Erie opposed the Petition. As of the date of this Joint Status Report, that Petition remains pending as well.

Consistent with the request made in the Parties' previous Joint Status Report (ECF No. 296), on February 1, 2023, this Court issued an Order staying this litigation pending decisions on both the *Wilson* Petition and the *MacMiles* Petition. Per that Order, the stay is to remain in effect until a decision has been issued on both Petitions.

Pursuant to the Court's directive on June 13, 2023, the Parties have met and conferred and are in agreement that the stay issued in the Court's February 1 Order should remain in effect pending a decision on both the *Wilson* Petition and the *MacMiles* Petition. The parties continue to believe that this approach maximizes judicial efficiency and reflects the potential significance of a decision by either court on further proceedings in this case. As required by the February 1 Order, following a decision on both Petitions, the Parties will meet and confer and provide another status report to the Court within thirty days of a decision on both Petitions.

Dated: June 15, 2023

Respectfully submitted,

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